

REMARKS

The Office Action dated July 31, 2003 has been fully considered by the Applicant. The objections to Claims 1, 2 and 5 have been addressed by amendments thereto.

Applicant reaffirms its election of Claims 1 through 10 drawn to a method without prejudice
5 to its rights to pursue through a divisional application.

The drawing objections have been addressed by informal amendment to the drawings.

The rejection of Claim 1, 5 through 8 and 10, as now amended, under 35 U.S.C. §103 over Choi in view of Miles, Hill in view of Miles, or Anderson in view of Miles, is respectfully traversed. While Miles heats, Miles does not vaporize the higher boiling point components of the stream. None
10 of the references, taken singly or as a group, discloses the limitation of Claim 1(e) wherein the second heated effluents from the thermal oxidizer are passed through a heat recovery tube bundle generating external tube surface temperatures to raise liquid glycol to its boiling temperature. While various references show heating of glycol, none of them show use of the second heated effluents from the thermal oxidizer chamber.

15 Claims 2, 3, 4 and 5 are all dependent on Claim 1 and are believed allowable for the same reasons.

Claim 8, as now amended, specifically conveys the limitation of control of the second heated effluents through the heat recovery tube bundle by control of a venting mechanism in the vent stack of the thermal oxidizer chamber and the vent stack of the reboiler. None of the other references,
20 taken singly or together, disclose the particular controlled venting arrangement as now set forth in Claim 8. Moreover, Miles is simply a flare with no positive temperature control of the combustion air flow.

New Claim 25 conveys the limitation of control of the second heated effluents to regulate the temperature of the reboiler chamber.

With respect to Claim 9, the Examiner admits that none of the references show a sparger with the exception of Rhodes '675. While Rhodes discloses a sparger, it does not provide the other limitations of the present invention.

The combination of patents to reach the present invention is untenable. It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

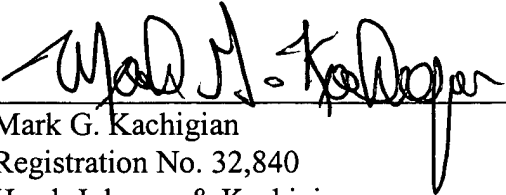
Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

It is believed the foregoing is fully responsive to the outstanding Office Action. It is believed that the application is now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', is written over a horizontal line.

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FIG. 1

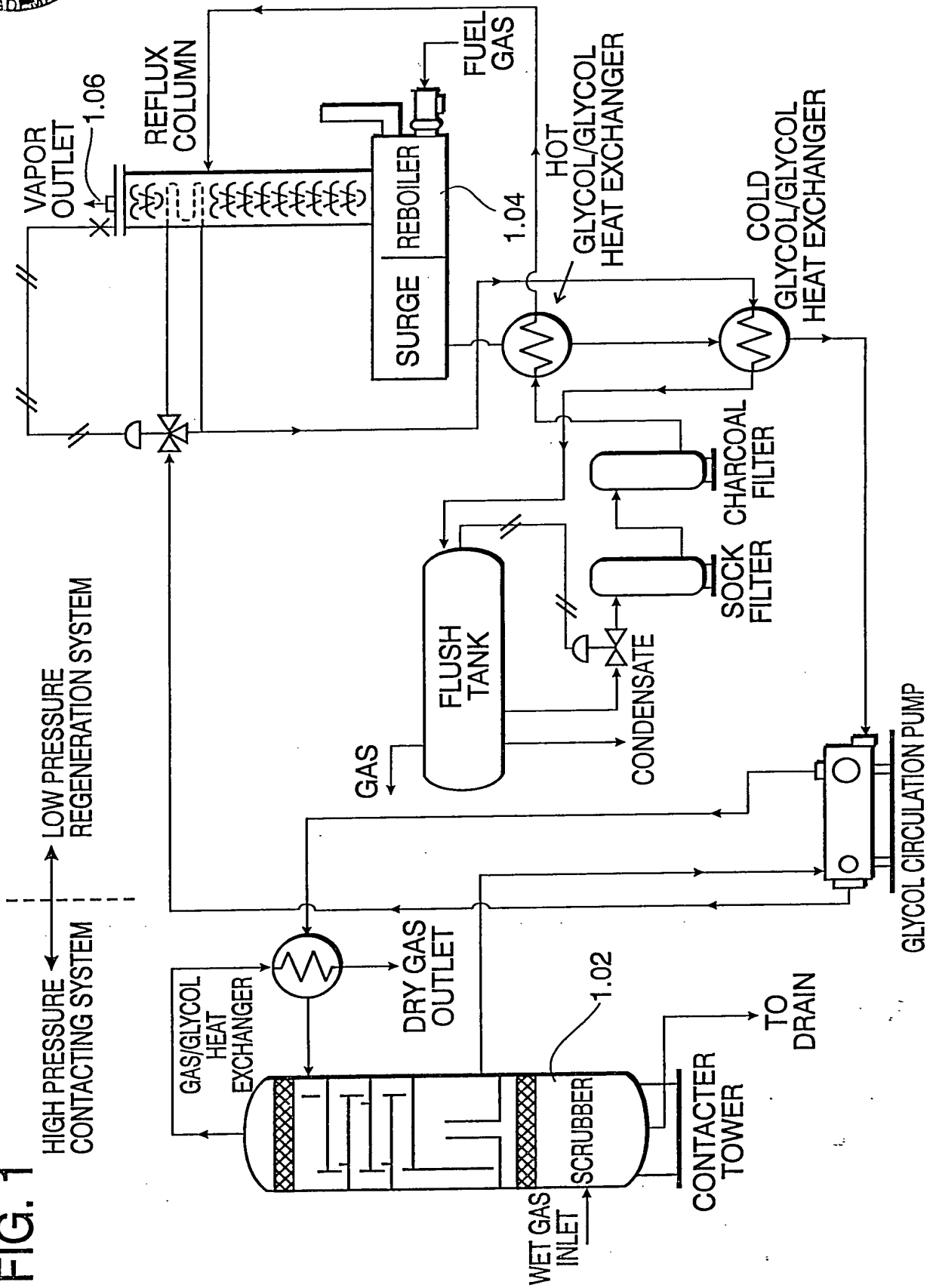
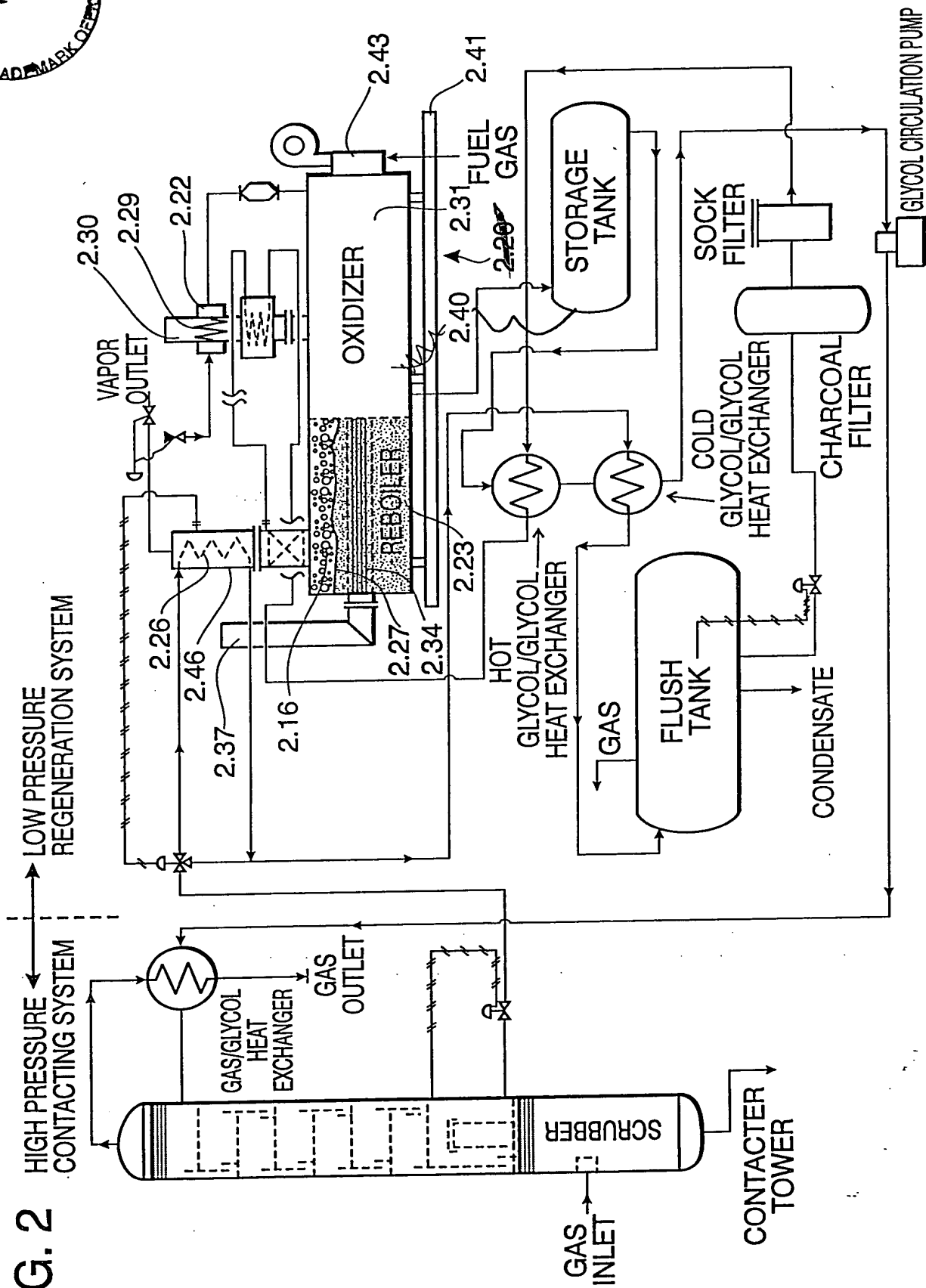


FIG. 2



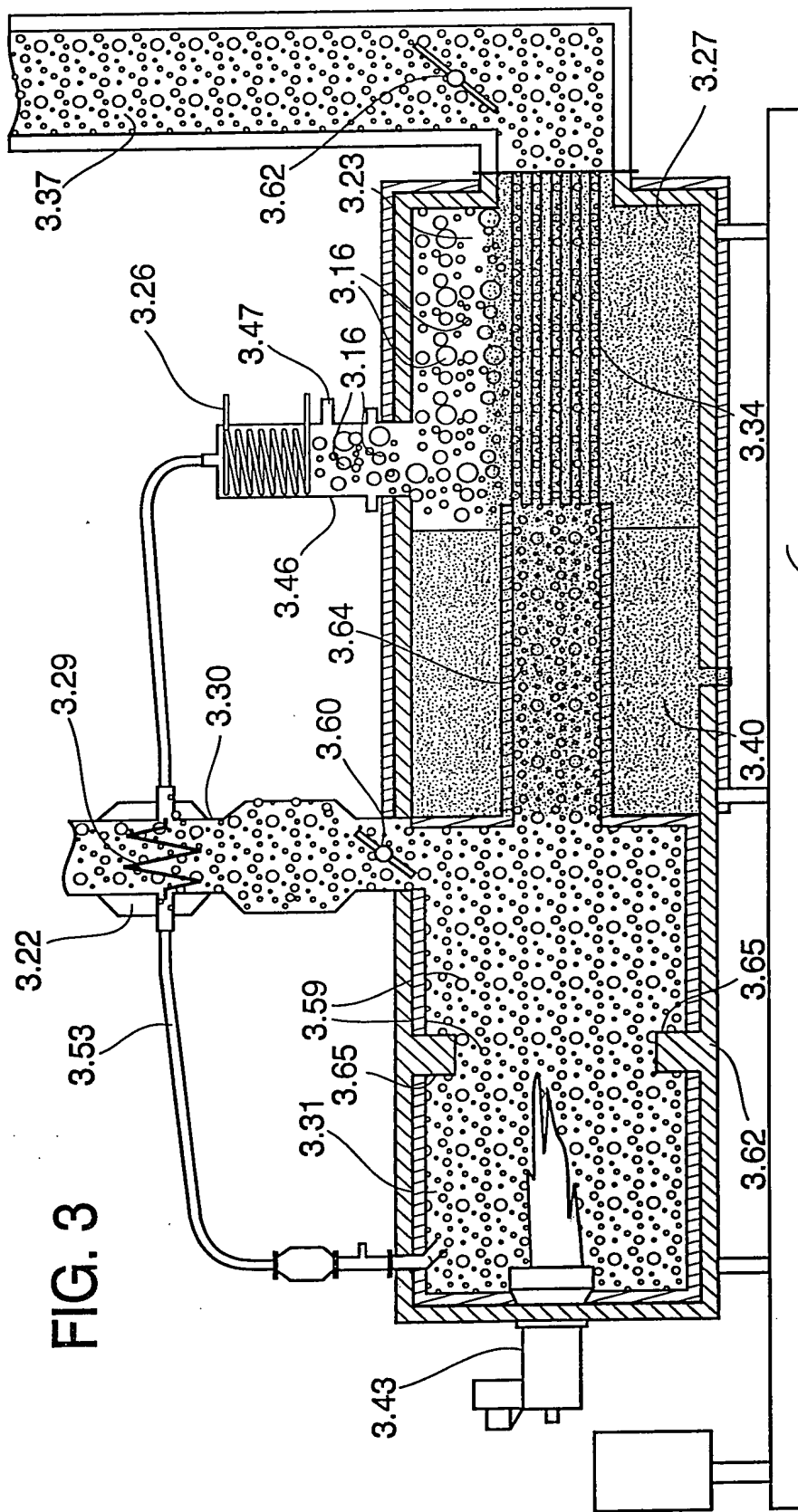


FIG. 3

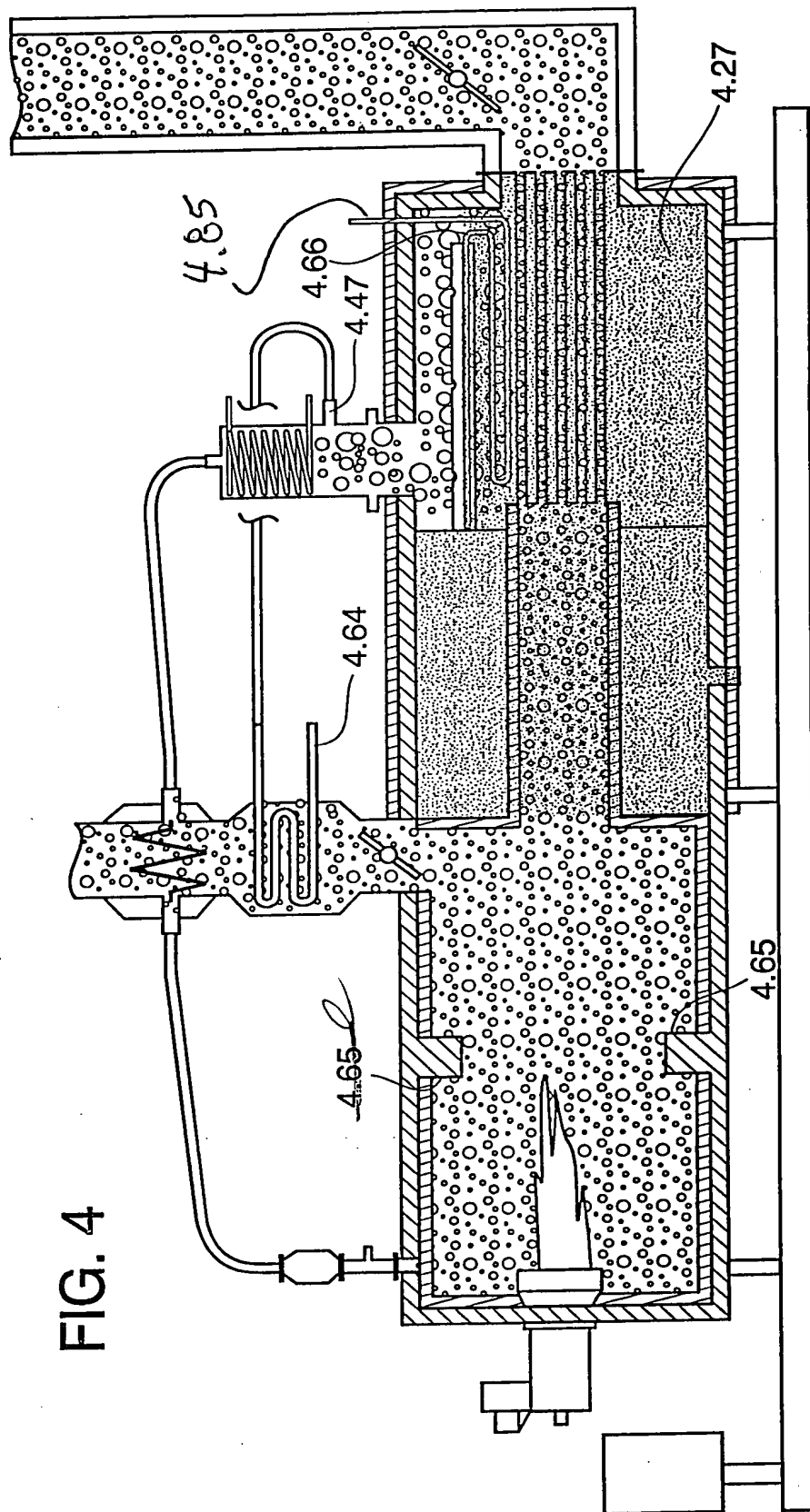


FIG. 4

FIG. 5

